

# **APPENDIX A**

Unless a specific policy has been amended and the date the policy was revised is noted at the bottom of that policy, the Bylaws and Policies of the Miami-Dade County Public Schools were adopted on May 11, 2011 and were in effect beginning July 1, 2011.

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## **1362.02 - ANTI-DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE**

The individual listed below is the head of the Civil Rights Compliance (CRC) Office, (Compliance Officer).

Civil Rights Compliance Executive Director  
155 N.E. 15th Street, Suite P-104E  
Miami, Florida 33132  
305-995-1580

The School Board has established procedures to fulfill the letter and intent of anti-discrimination laws. The CRC is responsible for investigating complaints and/or charges of discrimination and illegal harassment, including sexual harassment and retaliation filed by employees, students and their parents, or applicants. The CRC office accepts complaints of prohibited discrimination/harassment directly from any member of the District community. Upon receipt of a written complaint, the Compliance Officer will designate a specific individual within the CRC office to conduct an investigation.

All members of the District community must report incidents of prohibited discrimination/harassment to which they, in good faith, believe they have been subjected or which are reported to them, to the CRC office without delay.

### **Investigation and Complaint Procedure**

Any member of the District community or third party who has a good faith belief that s/he has been subjected to prohibited discrimination/harassment may seek resolution of his/her complaint through the procedures described below.

While there is a 300-calendar day time limit for initiating a complaint of discrimination/harassment, individuals should make every effort to submit a complaint as soon as possible after the prohibited conduct occurred while the facts are known and potential witnesses are available, and to ensure the prompt elimination of the conduct in question. Failure on the part of the employee to initiate and/or follow-up on a complaint in a timely manner may result in the complaint being considered abandoned. The procedures below are established to provide a prompt and equitable process for resolving complaints of prohibited discrimination/harassment.

These procedures are not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of legally prohibited discrimination/harassment with any State or Federal enforcement agency.

The initiation of a discrimination or harassment complaint by an employee will not be used as a basis for actions that adversely affect the complainant's standing in his/her work location. Additionally, participation in or assistance in the investigation of a complaint shall not be used as the basis of any adverse employment action on an employee.

Supervising administrators throughout the District are expected to address issues and/or conflicts at the worksite. Issues should be resolved by encouraging communication with adherence to laws, rules, and guidelines. If the issues of discrimination/harassment cannot be resolved, it should be referred to the Compliance Officer without delay.

## Complaint Procedure

A member of the District community or third party who believes they have been subjected to prohibited discrimination/harassment, must report the conduct immediately to his/her supervisor or the CRC. If the complainant makes the report to CRC, the complainant shall present it in writing. If a complainant informs any other employee of the District, either orally or in writing, about any complaint of prohibited discrimination/harassment, that employee must immediately refer the individual or report such information to the Compliance Officer. No anonymous complaints shall be accepted or processed. The complaint must be signed attesting that it is true to the best of the complainant's knowledge.

If it is determined that the complaint alleges prohibited discrimination/harassment, the complaint will be investigated.

Throughout the course of the investigative process, the Compliance Officer should keep the complainant informed of the status of the investigation.

Complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, prohibited conduct/harassment; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and, identification of the resolution which the complainant seeks.

The Compliance Officer or designee will conduct an oral interview and prepare a written summary of the oral interview which will be presented to the complainant for verification by signature.

Upon receiving a written complaint, the Compliance Officer will consider, in conjunction with the head of the division or department, whether any action should be taken in the investigatory phase to protect the complainant from further legally prohibited harassment or retaliation including but not limited to, a change of job assignment or a change of class schedule. In making such a determination, the Compliance Officers should consult the complainant to assess his/her agreement to any action deemed appropriate.

Within three (3) work days of receiving the written complaint of legally prohibited harassment, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct that a complaint has been received.

Within five (5) work days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subject to prohibited discrimination/harassment.

The Compliance Officer or designee will complete an investigation into the allegations of discrimination/harassment within thirty (30) work days of receiving the written complaint. The investigation will include:

- A. interviews with the complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the respondent and the complainant will be provided a written report of the findings summarizing the evidence gathered during the investigation and the final determination of the case. If a finding of Probable Cause occurs, CRC will forward the completed investigative report, including the determination of Probable Cause to the Office of Professional Standards for review, a recommendation for disciplinary action, and final disposition of the case. All disciplinary action will be taken per State law and the terms of the applicable collective bargaining agreement(s). The Board will act upon the recommended disciplinary determination at its regular meeting.

The complainant may request review of the CRC determination by the Superintendent. The request must be submitted in writing within fifteen (15) work days and state with particularity the reasons for the request, which may include additional witnesses, evidence, or information that if obtained, would likely change the outcome of the investigation.

## Confidentiality

The District will make all reasonable efforts to protect the rights of the complainant and the respondent. The District will respect the privacy of the complainant (unless the complainant made the complaint with malice or with knowledge that it was false), the respondent, and all witnesses in a manner consistent with the District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All parties proceeding through the investigation process should be advised that at the conclusion of the investigation, their identities and the investigation become subject to disclosure under F.S. 119.

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All public records created as part of an investigation of prohibited discrimination/harassment will be maintained by the Compliance Officer per State law and the Board's records retention policy. Records of an ongoing investigation shall remain confidential and not subject to disclosure pursuant to F.S. Chapter 119, until a final determination is made on the case. Any records which are considered education records under the Family Educational Rights and Privacy Act will be maintained in a manner consistent with the provisions of Federal and State law.

## Child Abuse/Sexual Misconduct

All employees aware of suspected child abuse or neglect must immediately report the abuse to the Department of Children and Family Services abuse hotline, the School Police, and the school site administrator. If, during the course of an investigation of prohibited discrimination/harassment, the Compliance Officers or designee has reason to believe or suspect that the alleged conduct indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Policy [8462](#).

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's or designee's obligation and responsibility to continue to investigate a complaint of prohibited discrimination/harassment.

## Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Policy [8141](#) to report alleged misconduct by certificated employees of the District that affects the health, safety, and welfare of a student.

F.S. 110.1221, 760.01, 760.10, 1000.05, 1006.07  
20 U.S.C. 1681 et seq.  
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42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
National School Boards Association Inquiry and Analysis - May 2008

Technical Change 7/13/15  
Revised 4/13/16

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### **3362.02 - ANTI-DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE**

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#### **Investigation and Complaint Procedure**

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National School Boards Association Inquiry and Analysis - May 2008

Technical Change 7/13/15

Revised 4/13/16

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## 8390 - ANIMALS ON DISTRICT PROPERTY

Animals are personal property and permitted in schools, on other District property, District transportation, and at District-sponsored events only with prior approval and where necessary to support specific curriculum-related projects and activities, school security programs, or to serve as service animals as required by law.

### Definition of Service Animal

- A. **Canine:** "Service animal" pursuant to 28 C.F.R. 35.104, means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.
- B. **Equine:** The Americans with Disabilities Act (ADA) defines a miniature horse as a service animal if it has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In addition to training, health and safety considerations, the following additional considerations must be given before approval:
  - 1. the type, size and weight of the horse and whether the facility can accommodate those features;
  - 2. whether the handler has sufficient control of the horse;
  - 3. whether the horse is housebroken; and
  - 4. whether the horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

### Vaccination, Licensing and/or Veterinary Requirements

All animals, including service animals, housed on District property or brought on District property on a regular basis must meet every State and county veterinary requirement, including but not limited to, rabies vaccination or other inoculations required to be properly licensed.

The school shall not, however, require documentation that the animal has been certified, trained or licensed as a service animal. No inquiry can be made about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.)

## **Animals in Schools and Elsewhere on District Property**

The Principal may permit animals to be present in classrooms to support curriculum-related projects and activities pursuant to Policy [8400](#) under the following conditions:

- A. The staff member seeking approval to have an animal in the classroom shall:
  1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;
  2. take necessary precautions to protect the health and safety of students and other staff;
  3. ensure that the animal is treated humanely in appropriate and clean housing;
  4. keep the surrounding areas clean and sanitary at all times; and
- B. ensure that other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments made to accommodate verified health-related or other concerns.

Except for service animals approved under this policy, the presence of an animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

## **Service Animals for Students**

The student's need for and use of the service animal must be documented in writing in the student's individual educational plan (IEP), Section 504 Plan, or cumulative file.

## **Required Documentation**

The following documentation is required prior to a service animal being allowed to accompany a student:

- A. written determination that the student will be allowed a service animal in school by IEP/504 team in current IEP or Section 504 Plan, or in student's cumulative file by a school staff team designated by the Principal if the student does not have a current IEP or 504 plan;
- B. current satisfactory health certificate or report of examination from a veterinarian for the service animal; and
- C. Level II criminal background check for the handler pursuant to Policy [8475](#) if the handler is not the student.

The IEP, 504, or other designated staff team, must convene as soon as a parent/student with disabilities requests a service animal for a student. The team, no matter how it is designated, shall determine only whether the student is a student with a disability and whether the animal is a service animal under the law and this policy. The Principal or designee shall make the final determination whether required documentation has been provided for the student's service animal and approving the use of a service animal in a school setting. When the required documentation has been provided, the service animal will be permitted to accompany the disabled student anywhere on the school campus where students are permitted to be.

## **Removing and/or Excluding a Student's Service Animal**

When a service animal has demonstrated that (1) it is not under the control of the handler or student, (2) sufficiently housebroken, (3) the animal is a direct threat to the health or safety of others, or (4), the animal's presence would fundamentally alter the nature of the service, program or activity, the Principal shall document the behavior and determine if and when the service animal is to be removed and/or excluded from school property. When determining whether there is a "direct threat" to the health or safety of others, or a "fundamental alteration" of the service, program or activity, reasonable modifications or adjustments may be made, including keeping those students or staff who are afraid or allergic away from the animal and perhaps to another class or environment.

The Principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure in Policy [5517.02](#). These procedures are not intended to interfere with the rights of a student, parents or an eligible student to pursue a complaint of legally prohibited discrimination with the United States Department of Education's Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

## **Eligibility of a Student's Service Animal for Transportation**

A service animal is permitted to ride on a school bus owned or leased upon approval pursuant to this policy and notification by the Principal or designee to the school bus routing administrator of the Transportation Department.

The student, parents, and/or handler is responsible for providing information to the driver and bus assistant regarding critical commands needed for daily interaction and emergency/evacuation.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. While the bus is in motion, the service animal shall remain positioned on the floor at the student's feet. A representative of the Transportation Department will meet with the animal's owner to determine whether the service animal should be secured on the bus with a tether or harness.

Situations that would cause cessation of transportation privileges for the service animal include:

- A. the student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others;
- B. the service animal urinates or defecates on the bus; or
- C. the service animal does not remain in the designated area.

The student and his/her parents shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the Administrative Director of Transportation.

Although transportation may be suspended for the service animal, the District shall continue to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

## **Service Animals for Employees**

The District shall provide a reasonable accommodation for a qualified individual with a disability. An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. As required of all animals under this policy, an employee with a disability who will have a service animal as an accommodation will be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal. The Principal or designee will determine if all requirements have been met and may remove or exclude a service animal under this section for the same reasons as listed above for students. An employee may appeal the school's decision regarding a service animal under this section according to the complaint procedures in Policy [1362.02](#), Policy 3362.02 and Policy [4362.02](#).

## **Service Animals for Parents, Vendors, Visitors, and Others**

Pursuant to Policy [9160](#), individuals with disabilities who are accompanied by their service animals shall be allowed access to all areas of the District's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the District's facilities with their service animals should notify the Principal that their service animal will accompany them during their visit.

As required of all animals under this policy, an individual with a disability who has a service animal shall provide a current satisfactory health certificate or report of examination from a veterinarian for the animal if they will visit an area of the District's facilities on a regular basis.

An individual with a disability who attends a school event shall be allowed to be accompanied by his/her service animal in accordance with Policy [9160](#), if the individual with a disability will attend a regularly scheduled series of events with his/her service animal, the individual with disabilities will be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal, which is required for all animals by this policy. The Principal or designee may remove or exclude a service animal under this section for the same reasons listed above for students and employees.

## **Restriction of District Responsibility for Service Animals**

A service animal is the personal property of the individual with a disability. The School Board is not responsible for training, daily care, handling, or healthcare of service animals or for personal injury or property damage arising out of or relating to the presence or use of service animals on Board property, at District-sponsored events, or on District-sponsored transportation.

A service animal shall be under the control of its handler at all times. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

## **School Preparation for Service Animals**

Upon approval, the Principal or designee shall arrange to:

- A. familiarize the service animal with the campus prior to the actual start date;
- B. orient the service animal to school faculty and students;
- C. implement a school-wide educational program to educate others on how to behave appropriately around the service animal;
- D. establish a place for the service animal to urinate/defecate (individual plan);
- E. establish an evacuation plan to include the service animal and practice this plan;
- F. establish a resting place for the animal;
- G. establish a rest time for the animal (during P.E., lunch and recess if possible since these are especially difficult times for a service animal to successfully endure); and
- H. identify an alternate accommodation in the event the primary handler (if not the student) or the animal is not able to accompany the student, and provide the parents with this policy and any other written procedures for including service animals in the school.

## **Administrative Procedures**

The Superintendent is authorized to develop District and school site procedures to implement this policy.

28 C.F.R. 35.104, 28 C.F.R. 35.136  
F.S. 381.0056, 413.08, 1001.41, 1006.22  
Section 504 of the Rehabilitation Act of 1973 (Section 504)  
The Americans with Disabilities Act (ADA)  
The Individuals with Disabilities Education Act (IDEA)

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